

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

DISMISSED WITHOUT PREJUDICE: January 13, 2005

GSBCA 16567-COM

KEY FEDERAL FINANCE,

Appellant,

v.

DEPARTMENT OF COMMERCE,

Respondent.

Joseph J. Petrillo of Petrillo & Powell, P.L.L.C., Washington, DC, counsel for Appellant.

Mark Langstein, Office of General Counsel, Department of Commerce, Washington, DC, counsel for Respondent.

HYATT, Board Judge.

ORDER

On December 27, 2004, appellant, Key Federal Finance, filed a notice of appeal from a contracting officer's decision dated September 30, 2004, purporting to terminate appellant's lease for computer equipment "for non-appropriation." The contracting officer stated that adequate funds were not available to continue making lease payments. Appellant by letter dated January 12, 2005, stated that appellant and respondent have agreed that the contracting

officer's letter was not a final decision under the Contract Disputes Act. 41 U.S.C. §§ 601-613 (2000). The parties have requested that the appeal be dismissed without prejudice. Accordingly, the parties request is granted. This appeal is **DISMISSED WITHOUT PREJUDICE**.

CATHERINE B. HYATT
Board Judge